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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,084	09/30/2003	Eric Gould Bear	3890	4063

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EXAMINER	
CHAN, WING F	
ART UNIT	**PAPER NUMBER**
2643	

DATE MAILED: 01/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	**Application No.** 10/677,084	**Applicant(s)** BEAR ET AL.
	Examiner Wing F. Chan	**Art Unit** 2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 December 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-73 and 75* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-73 and 75* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. This Office action is responsive to the amendment filed 12/7/05. As directed by the amendment claims 1, 54, 62, 73 and 75 were amended and claim 74 was canceled. Thus, claims 1-73, 75 are presently pending in this application.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-9, 14-26, 28, 31, 33, 36, 37, 41, 42, 44, 47, 49, 51, 54-72, 73, 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Danner (US PAT. NO. 4,860,342) in view of Bentley et al (US PAT. NO. 5,727,047 hereinafter Bentley).

As acknowledged by applicants, as to claims 1, 2, 6, 51, 54, 55, 58, 61, 62, Danner differs from the claimed invention in not disclosing the telephone functioning as a conventional telephone when the PC is powered-downed to permit the user to receive incoming calls as a conventional telephone, and the PC telephony application handling telephone-related functions when the PC is powered-on. The contents and pertinent portions of Danner have been explained in the last Office action and are incorporated by reference hereinafter. However, it is old and well known in the art when a telephone is interfaced to a PC in a computer-telephony functionality arrangement, the telephone functioning as a conventional telephone when the PC is powered-downed to permit the user to receive incoming calls as a conventional telephone, and the PC telephony application handling telephone-related functions when the PC is powered-on, for example see Bentley abstract, col. 1 line 11 to col. 2 lines 1-29. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Danner to permit the telephone functioning as a conventional telephone when the PC is powered-downed to permit the user to receive incoming calls as a conventional telephone, and the PC telephony application handling telephone-related functions when the PC is powered-on to provide total flexibility and control to provide desired computer-telephony functionality, i.e. the computer need not be on for the telephone to function (note Bentley col. 1 lines 48-50, problem solved by Bentley) and when the computer is on it is able to perform computer-telephony functions.

As to claims 62, 64, 75, see Danner col. 3 line 67 to col. 4 line 2 which discloses the telephone line is connected to a PSTN or a private network, this enough to meet the broad claims where the call is received from one of a plurality of communications network.

As to claims 3, 9, 56, 60, 70, note that Danner discloses using predetermined keys on the keyboard to initiate telephone functions (e.g. col. 4 lines 29-43), thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the keyboard to comprise additional telephone function keys including a talk key in order to input command for answering or initiating a telephone call to simplify and enhance the use of the computer-telephony application.

As to claims 4, 7, 57, 59, 71, Danner in col. 4 line 67 to col. 5 line 2 discloses using a speaker phone and also note that Danner discloses using predetermined keys on the keyboard to initiate telephone functions, thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the keyboard to comprise additional telephone function keys including a speaker phone key in order to input a speaker phone command for handsfree answering or initiating a telephone call to simplify and enhance the use of the computer-telephony application.

As to claims 5, 8, 69, see Danner col. 7 lines 1-4 which discloses a hook switch used for providing a flash signal to the CO.

As to claim 14, see Danner col. 7 lines 5-7 which discloses placing a call on hold.

As to claims 15, 36, 34, 73, Danner discloses using predetermined keys on the keyboard to initiate telephone functions thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the keyboard to comprise additional telephone function keys including a hold key in order to input a hold command for holding a telephone call to simplify and enhance the use of the computer-telephony application.

As to claims 16, 17, telephone audio muting is a notoriously old and well known telephone function in the art, and Danner discloses using predetermined keys on the keyboard to initiate telephone functions thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the keyboard to comprise additional telephone function keys including a mute key in order to input an audio mute command for muting the audio signals during a telephone call to provide privacy for the user and also to simplify and enhance the use of the computer-telephony application.

As to claims 18, 19, 49, voice mail playing is a notoriously old and well known telephone function in the art, and Danner discloses using predetermined keys on the keyboard to initiate telephone functions thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the keyboard to comprise additional telephone function keys including a voice mail key in order to input a voice mail command in order to provide a simple and effective means of inputting voice mail command for playing voice mail messages to the user and also to simplify and enhance the use of the computer-telephony application.

As to claims 20, 23, 47, Danner in col. 4 line 67 to col. 5 line 2 discloses any suitable telephone receiving device can be used, and it is also notoriously old and well known in the telephony art to use microphone and speakers associated with a computer to perform telephone functions. Danner also discloses using predetermined keys on the keyboard to initiate telephone functions. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Danner's keyboard to comprise additional telephone function keys including a microphone key which toggles between an on and off state in order to input a microphone command for switching from the telephone handset to a computer microphone in order to free up the user's hands for performing other functions such as taking notes, etc., and also to simplify and enhance the use of the computer-telephony application.

As to claim 21, it is old and well known in the art that a computer can be connected to either a landline or cell phone for communications. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Danner's computer to be able to connect to a cell phone for communication such that telephonic communication can be perform even when a landline is not available or malfunctioned.

As to claim 22, Danner in col. 4 line 67 to col. 5 line 2 discloses using a speaker phone for handsfree communications. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Danner to switch from a cell phone to a speaker phone in order to establish handsfree communication with a remote party and also to simplify and enhance the use of the computer-telephony application.

As to claims 24, 25, Danner in col. 4 line 67 to col. 5 line 2 discloses any suitable telephone receiving device can be used, and it is also notoriously old and well known in the telephony art to use microphone and speakers associated with a computer to perform telephone functions. Danner also discloses using predetermined keys on the keyboard to initiate telephone functions. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Danner's keyboard to comprise additional telephone function keys including a microphone key which toggles between an on and off state in order to input a microphone command for switching from the telephone handset to a computer microphone in order to free up the user's hands for performing other functions such as taking notes, etc.

As to claims 26, 28, 31, 33, since Danner teaches that the buttons/keys on the keyboard is for answering, disconnecting and dialing of calls, the talk key in Danner as modified above (note discussion regarding claim 3) would obviously toggle the hook state between on-hook, and off-hook as is conventional in the art to signal the making, answering and ending of calls.

As to claim 40, see Danner col. 7 lines 1-4 which discloses a hook switch used for providing a flash signal to the CO. Danner also discloses using predetermined keys on the keyboard to initiate telephone functions. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the keyboard to comprise additional telephone function keys including a flash key to provide the flash function at the fingertips of the user and emulate all telephone functions using the keyboard to allow the user to use well known telephone functions such as putting the call on hold, transfer a call, etc. and also to simplify and enhance the use of the computer-telephony application.

As to claims 41, 42, the use of a flash signal to signify telephone events such as call on hold, telephone call waiting are al old and well known in the art and it would have been expedient obvious to one of ordinary skill in the art at the time the invention was made to modify Danner to comprise such well known telephone functions.

As to claim 44, a conference call is an old and well known function associated with telephone; Danner also discloses using predetermined keys on the keyboard to initiate telephone functions. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the keyboard to comprise additional telephone function keys including a conference key to provide a conference function at the fingertips of the user and emulate all telephone functions using the keyboard to allow the user to use well known telephone functions such the ability to conference calls with several conferees at the same time, and also to simplify and enhance the use of the computer-telephony application.

As to claims 63, 65, 67, 68, the call transfer function is an old and well known function associated with telephone; Danner also discloses using predetermined keys on the keyboard to initiate telephone functions. Thus, to modify Danner to comprise such a well known telephone function would have been expedient obvious to one of ordinary skill in the art at the time the invention was made to allow the user to transfer calls to proper destinations or called parties. Furthermore, the specific type of end user telephonic device (e.g. cell phone, landline phone) is not patent since such function is notoriously old and well known in the art.

As to claim 66, since Danner is able to receive incoming telephone calls, whether the incoming call is coming from a cell phone is irrelevant and would not affect the functions of Danner's invention. Furthermore, such is encompassed by the incoming call in Danner's teachings as long as the call is a telephone call that is received.

4. Claims 27, 29, 30, 32, 34, 35, 38, 39, 43, 45, 46, 48, 50, 52, 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Danner as modified by Bentley as applied to claims 1-9, 14-26, 28, 31, 33, 36, 37, 41, 42, 44, 47, 49, 51, 54-72, 73, 75 above, and further in view of Cannon et al (US PAT. NO. 6,603,855 filed 12/21/99 hereinafter Cannon) and Lehtinen et al (US PAT. NO. 6,518,957 filed 8/8/00 hereinafter Lehtinen).

As to claims 27, 29, 32, 34, 38, 43, 45, 48, 50, 52, 53, Danner differs from the claimed invention in not disclosing indicators to indicate to the user the current telephone state. However, it is old and well known in the art to use indicators such as display means, LEDs, or other attention getting techniques to indicate to the user the current telephone state, for example se Cannon's abstract, col. 3 lines 39-42, col. 4 lines 65-68, col. 5 lines 30-65. It is also old and well known in the art to use tactile indications to indicate to the user the current telephone state, for example see Lehtinen col. 3 lines 16-23. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Danner to comprise such old and well known telephone state indicator means, i.e. visual, audible and tactile representation indicators, to effectively gain the attention of the user to indicate to the user what is the current telephone state.

As to claims 30, 35, 39, 46, the specific color of the visual display in not patent and deemed obvious over Cannon's teachings since any color would have suffice in alerting, indicating the current telephone state to the user.

5. Claims 1-26, 28, 31, 33, 36, 37, 40-42, 44, 47, 49, 51, 54-73, 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stanford et al (US PAT. NO. 6,240,168 hereinafter Stanford) in view of Bentley et al (US PAT. NO. 5,727,047 hereinafter Bentley).

As acknowledged by applicants, as to claims 1-10, 12-17, 44, 51, 54-64, 68-73, 75, Stanford differs from the claimed invention in not disclosing the telephone functioning as a conventional telephone when the PC is powered-downed to permit the user to receive incoming calls as a conventional telephone, and the PC telephony application handling telephone-related functions when the PC is powered-on. The contents and pertinent portions of Stanford have been explained in the last Office action and are incorporated by reference hereinafter. However, it is old and well known in the art when a telephone is interfaced to a PC in a computer-telephony functionality arrangement, the telephone functioning as a conventional telephone when the PC is powered-downed to permit the user to receive incoming calls as a conventional telephone, and the PC telephony application handling telephone-related functions when the PC is powered-on, for example see Bentley abstract, col. 1 line 11 to col. 2 lines 1-29. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stanford to permit the telephone functioning as a conventional telephone when the PC is powered-downed to permit the user to receive incoming calls as a conventional telephone, and the PC telephony application handling telephone-related functions when the PC is powered-on to provide total flexibility and control to provide desired computer-telephony functionality, i.e. the computer need not be on for the telephone to function (note Bentley col. 1 lines 48-50, problem solved by Bentley) and when the computer is on it is able to perform computer-telephony functions.

As to claim 11, note that the flash function is part of the hold function, park function, and transfer function.

As to claims 18, 19, 49, voice mail playing is a notoriously old and well known telephone function in the art, and Stanford discloses using predetermined keys on the keyboard to initiate telephone functions (e.g. see abstract) thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the keyboard to comprise additional telephone function keys including a voice mail key in order to input a voice mail command in order to provide a simple and effective means of inputting voice mail command for playing voice mail messages to the user and also to simplify and enhance the use of the computer-telephony application.

As to claims 20, 23, 47, Stanford discloses the computer speakers can be used to implement the telephone function, and it is also notoriously old and well known in the telephony art to use microphone and speakers associated with a computer to perform telephone functions. Stanford also discloses using keys on the keyboard to initiate telephone functions. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stanford's keyboard to comprise additional telephone function keys including a microphone key which toggles between an on and off state in order to input a microphone command for switching from the telephone handset to a computer microphone in order to free up the user's hands for performing other functions such as taking notes, etc., and also to simplify and enhance the use of the computer-telephony application.

As to claim 21, it is old and well known in the art that a computer can be connected to either a landline or cell phone for communications. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stanford's computer to be able to connect to a cell phone for communication such that telephonic communication can be perform even when a landline is not available or malfunctioned.

As to claim 22, Stanford discloses using a speaker phone. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stanford to switch from a cell phone to a speaker phone in order to establish handsfree communication with a remote party and also to simplify and enhance the use of the computer-telephony application.

As to claims 24, 25, Stanford discloses the computer speakers can be used to implement the telephone function, and it is also notoriously old and well known in the telephony art to use microphone and speakers associated with a computer to perform telephone functions. Stanford also discloses using predetermined keys on the keyboard to initiate telephone functions. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stanford's keyboard to comprise additional telephone function keys including a microphone key which toggles between an on and off state in order to input a microphone command for switching from the telephone handset to a computer microphone in order to free up the user's hands for performing other functions such as taking notes, etc.

As to claims 26, 28, 31, 33, since Stanford teaches that the buttons/keys on the keyboard is for answering, disconnecting and dialing of calls, the talk key in Stanford would obviously toggle the hook state between on-hook, and off-hook as is conventional in the art to signal the making, answering and ending of calls.

As to claims 36, 37, it would have been obvious to one of ordinary skill in the art at the time the invention was made to recognized that the speaker, hold keys etc. in Stanford toggles the telephone line in the same manner as a momentary switch to activate these functions as is old and well known in the art.

As to claim 40, Stanford discloses hold, transfer, park keys and the flash function is old and well known in the art where a hook switch used for providing a flash signal to the CO. Stanford also discloses using predetermined keys on the keyboard to initiate telephone functions. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the keyboard to comprise additional telephone function keys including a flash key to provide the flash function at the fingertips of the user and emulate all telephone functions using the keyboard to allow the user to use well known telephone functions such as putting the call on hold, transfer a call, etc. and also to simplify and enhance the use of the computer-telephony application.

As to claims 41, 42, the use of a flash signal to signify telephone events such as call on hold, telephone call waiting are al old and well known in the art and it would have been expedient obvious to one of ordinary skill in the art at the time the invention was made to modify Stanford to comprise such well known telephone functions.

As to claims 65, 67, the call transfer function is an old and well known function associated with telephone; Stanford also discloses using predetermined keys on the keyboard to initiate telephone functions. Thus, to modify Stanford to comprise such a well known telephone function would have been expedient obvious to one of ordinary skill in the art at the time the invention was made to allow the user to transfer calls to proper destinations or called parties. Furthermore, the specific type of end user telephonic device (e.g. cell phone, landline phone) is not patent since such function is notoriously old and well known in the art.

As to claim 66, since Stanford is able to receive incoming telephone calls, whether the incoming call is coming from a cell phone is irrelevant and would not affect the functions of Stanford's invention. Furthermore, such is encompassed by the incoming call in Stanford's teachings as long as the call is a telephone call that is received.

6. Claims 27, 29, 30, 32, 34, 35, 38, 39, 43, 45, 46, 48, 50, 52, 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stanford as modified by Bentley as applied to claims 1-26, 28, 31, 33, 36, 37, 40-42, 44, 47, 49, 51, 54-73, 75 above, and further in view of Cannon et al (US PAT. NO. 6,603,855 filed 12/21/99 hereinafter Cannon) and Lehtinen et al (US PAT. NO. 6,518,957 filed 8/8/00 hereinafter Lehtinen).

As to claims 27, 29, 32, 34, 38, 43, 45, 48, 50, 52, 53, Stanford differs from the claimed invention in not disclosing indicators to indicate to the user the current telephone state. However, it is old and well known in the art to use indicators such as display means, LEDs, or other attention getting techniques to indicate to the user the current telephone state, for example se Cannon's abstract, col. 3 lines 39-42, col. 4 lines 65-68, col. 5 lines 30-65. It is also old and well known in the art to use tactile indications to indicate to the user the current telephone state, for example see Lehtinen col. 3 lines 16-23. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stanford to comprise such old and well known telephone state indicator means, i.e. visual, audible and tactile representation indicators, to effectively gain the attention of the user to indicate to the user what is the current telephone state.

As to claims 30, 35, 39, 46, the specific color of the visual display in not patent and deemed obvious over Cannon's teachings since any color would have suffice in alerting, indicating the current telephone state to the user.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US PATS. 6,700,954; 6,366,653; 6,018,571.

8. Applicant's arguments with respect to claims 1-73, 75 have been considered but are moot in view of the new ground(s) of rejection.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wing F. Chan whose telephone number is 571-272-7493. The examiner can normally be reached on Monday to Friday from 9 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wing F. Chan
Primary Examiner
Art Unit 2643

1/13/06